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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,250	11/17/2003	Brian J. Corell	200310748-1	4984
22879 7590 11/01/2007 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION			EXAMINER	
			PANTOLIANO JR, RICHARD	
	NS, CO 80527-2400	INISTRATION	ART UNIT	PAPER NUMBER
			2194	
			MAIL DATE	DELIVERY MODE
			11/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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		Application No.	Applicant(s)		
Office Action Summary		10/715,250	CORELL ET AL		
		Examiner	Art Unit		
		Richard Pantoliano Jr	2194		
Period f	The MAILING DATE of this communication or Reply	n appears on the cover sheet with	h the correspondence address		
WHI - Exte afte - If N - Fail Any	CHORTENED STATUTORY PERIOD FOR R CHEVER IS LONGER, FROM THE MAILIN ensions of time may be available under the provisions of 37 C or SIX (6) MONTHS from the mailing date of this communication of period for reply is specified above, the maximum statutory pure to reply within the set or extended period for reply will, by reply received by the Office later than three months after the ned patent term adjustment. See 37 CFR 1.704(b).	IG DATE OF THIS COMMUNIC FR 1.136(a). In no event, however, may a rejon. Deriod will apply and will expire SIX (6) MONT statute, cause the application to become ABA	ATION. Day be timely filed HS from the mailing date of this communication. NDONED (35 U.S.C. § 133).		
Status					
1)[Responsive to communication(s) filed on	31 August 2007.			
	• •	This action is non-final.			
3)[Since this application is in condition for allowance except for formal matters, prosecution as to the merits is				
	closed in accordance with the practice un	der <i>Ex parte Quayle</i> , 1935 C.D.	11, 453 O.G. 213.		
Disposit	tion of Claims				
4)🛛	Claim(s) 1-7,9,10,12,14,15 and 17-24 is/a	re pending in the application.			
	4a) Of the above claim(s) is/are with	hdrawn from consideration.			
5)	Claim(s) is/are allowed.				
6)🖾	Claim(s) 1-7, 9, 10, 12, 14, 15, and 17-24	is/are rejected.	·		
7)	Claim(s) is/are objected to.				
8)	Claim(s) are subject to restriction a	ind/or election requirement.			
Applicat	tion Papers				
9)[The specification is objected to by the Exa	miner.			
10)	The drawing(s) filed on is/are: a)	accepted or b) objected to b	y the Examiner.		
	Applicant may not request that any objection to	o the drawing(s) be held in abeyand	e. See 37 CFR 1.85(a).		
	Replacement drawing sheet(s) including the co				
11)	The oath or declaration is objected to by the	ne Examiner. Note the attached	Office Action or form PTO-152.		
Priority	under 35 U.S.C. § 119				
	Acknowledgment is made of a claim for for	reign priority under 35 U.S.C. §	119(a)-(d) or (f).		
a)	☐ All b)☐ Some * c)☐ None of:				
	1. Certified copies of the priority docur				
	2. Certified copies of the priority docur3. Copies of the certified copies of the				
	 Copies of the certified copies of the application from the International But 		eceived in this National Stage		
* (See the attached detailed Office action for a		eceived /		
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		MAMT	HOMSON		
		WILLIAM TO SUPERVISORY PA	TENT EXAMINATION		
Attachmer	nt(s) ce of References Cited (PTO-892)		•		
	ce of References Cited (P10-892) ce of Draftsperson's Patent Drawing Review (PTO-948	4) Li Interview Su B) Paper No(s).	mmary (PTO-413) Mail Date		
3) 🔲 Infor	mation Disclosure Statement(s) (PTO/SB/08) er No(s)/Mail Date		ormal Patent Application		

Art Unit: 2194

DETAILED ACTION

Page 2

This office action is filed in response to amendments received on 31 August
 2007 for Application# 10/715,250. Claims 1-7, 9, 10, 12, 14, 15, and 17-24 are
 currently pending and have been considered below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 3. Claim 1-7, 12, and 17-24 are rejected under 35 U.S.C. 102(b) as being anticipated by <u>Jennings et al</u> (US Pat: 6,717,593), hereafter <u>Jennings</u>.
- 4. As per Claim 1, <u>Jennings</u> discloses the invention substantially as claimed including a computer system comprising:
 - a) a central processing unit (CPU) (202 and 214, Fig. 2);
 - b) a memory unit coupled to the CPU (201 and 212, Fig. 2);
- c) an application stored in the memory unit and executable by the CPU (130 and 132, Fig. 2); and
- d) a facade server stored in the memory unit and executable by the CPU, wherein the facade server hosts the application without utilizing network protocols (Col. 8, lines 27-65) (The "interactor" can download the necessary XML and JavaScript files

Art Unit: 2194

from the server using inter-process communication instead of an HTTP connection when the server is co-located on the same computer with the interactor, thereby meeting this claim limitation).

- 5. As per Claim 2, <u>Jennings</u> further teaches a program stored in the memory unit and executable by the CPU, wherein the program creates an interface between the facade server and a web-browser for exchanging data associated with the application (130, Fig. 2 and Col. 8, lines 27-65).
- 6. As per Claim 3, Jennings further teaches wherein the program interacts with the facade server through a local protocol registered on the system (Col. 8, lines 27-65 and Col 9, lines 54-67) (Using an inter-process communication mechanism inherently requires that there be an established protocol between the two applications in order to allow for the proper communication of data).
- 7. As per Claim 4, <u>Jennings</u> further teaches wherein the application comprises one of a plurality of applications hosted by the facade server without utilizing network protocols (Col. 4, lines 21-34 and Col. 8, lines 27-65)
- 8. As per Claim 5, <u>Jennings</u> wherein the application, the facade server, and a webserver interface by which the application exchanges data with the facade server all

Art Unit: 2194

utilize a common address space (Col. 8, lines 27-65) (The co-location of the components meets this claim limitation).

- 9. As per Claim 6, <u>Jennings</u> further discloses a web-server, wherein the web-server handles connections to the application when operating in a network mode, and the facade server handles connections to the application when operating in a local-only mode (Col. 4, lines 35-52 and Col. 8, lines 27-65).
- 10. As per Claim 7, <u>Jennings</u> discloses the invention substantially as claimed including a method comprising:
- a) generating application data from a web-based application hosted on an executable faced server via a web-server interface (Col. 8, lines 27-65; 210, Fig. 2 and Col. 4, lines 35-52) (The web server and the facade server are the same server, thereby meeting this claim limitation);
- b) providing said application data from the executable faced server to a webbrowser using a local protocol (Col. 4, lines 35-52 and Col. 8, lines 27-65); and
- c) using said web-browser to display said application data on a display (Col. 4, lines 35-52 and Col. 8, lines 27-65).
- 11. As per Claim 12, being directed to computer readable media with executable instructions for performing the methods of Claims 7, this claim is rejected for the same reasoning as provided for Claim 7.

Art Unit: 2194

12. As per Claim 17, <u>Jennings</u> discloses the invention substantially as claimed including a computer system comprising:

- a) means for executing programs (202 and 214, Fig. 2);
- b) means for storing data coupled to the means for executing programs (201 and 212, Fig. 2);
- c) means for generating application data from a web-based application, wherein the web-based application is stored in the means for storing data and executable by the means for executing programs (Col. 8, lines 27-65); and
- d) means for hosting the web-based application, wherein the means for hosting the web-based application is stored in the means for storing data and executable by the means for executing programs (Fig. 2); and
- e) wherein the means for hosting the web-based application does not utilize network protocols (Col. 8, lines 27-65) (The "interactor" can download the necessary XML and JavaScript files from the server using inter-process communication instead of an HTTP connection when the server is co-located on the same computer with the interactor, thereby meeting this claim limitation).
- 13. As per Claim 18, Jennings further teaches wherein a program executed by the means for executing programs interfaces the means for generating application data with a means for viewing the application data (132, Fig. 2 and Col. 4, lines 35-52 and Col. 8, lines 27-65).

Art Unit: 2194

14. As per Claim 19, <u>Jennings</u> further teaches wherein the means for hosting the web-based application is capable of mimicking a plurality of web-servers (120, Fig. 2; Col. 4, lines 35-52 and Col. 8, lines 27-65) (A web-server is merely an application, and 120, Fig. 2 shows that multiple applications can be run in the same physical server, thereby meeting this claim limitation).

- 15. As per Claim 20, <u>Jennings</u> further teaches wherein the web-based application comprises a plurality of web-based applications (120, Fig. 2 and Col. 4, lines 35-52 and Col. 8, lines 27-65).
- As per Claim 21, <u>Jennings</u> further teaches means for hosting data on a network, wherein the means for hosting data on the network is stored in the means for storing data and is executable by the means for executing programs; and wherein the means for hosting data on a network handles connections to the web-based application when the system is operating in a network mode, and the means for hosting the web-based application without utilizing network protocols handles connections to the web-based application when operating in a local-only mode (Col. 8, lines 27-65) (The "interactor" can download the necessary XML and JavaScript files from the server using interprocess communication when the server is co-located on the same computer with the interactor and using an HTTP connection when not co-located, thereby meeting this claim limitation).

Art Unit: 2194

17. As per Claim 22, this claim is rejected for the same reasoning as provided for Claims 5 and 7.

- 18. As per Claim 23, this claim is rejected for the same reasoning as provided for Claims 7.
- 19. As per Claim 24, this claim is rejected for the same reasoning as provided for Claims 5 and 12.

Claim Rejections - 35 USC § 103

- 20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 21. Claims 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jennings in view of Lerner (US Pat: 6,192,395).
- 22. As per **Claim 9**, <u>Jennings</u> further teaches wherein the local protocol uses a data transfer mechanism selected from the group consisting of software component models and data files.

Art Unit: 2194

23. <u>Jennings</u> does not explicitly teach wherein the group further consists of named data pipes and memory mapped I/O streams (Col. 8, lines 27-65).

- 24. <u>Lerner</u> teaches wherein the memory mapped I/O and named data pipes can be used (Col. 11, lines 23-67).
- 25. It would have been obvious to one of ordinary skill at the time invention to modify the method disclosed by <u>Jennings</u> with the teachings of <u>Lerner</u>. One would have been motivated by the fact that the disclosed limitations are common inter-process communication mechanisms that are essentially interchangeable (<u>Jennings</u>; Col. 8, lines 27-65).
- 26. As per Claim 14, being directed to computer readable media with executable instructions for performing the method of Claims 9, this claim is rejected for the same reasoning as provided for Claim 9.
- 27. Claims 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over <u>Jennings</u> in view of <u>Elkan</u> (US PGPub: 2002/0055940).
- 28. As per Claim 10, Jennings further teaches wherein the web-based application generates the application by utilizing a web-based technology selected from the group consisting of JavaScript and hypertext markup language (HTML).

Art Unit: 2194

29. <u>Jennings</u> does not explicitly teach wherein the web-based technology is selected from the group consisting of Perl, Java, active server pages (ASP) or hypertext preprocessing (PHP).

- 30. <u>Elkan</u> teaches wherein the web-based technology is selected from the group consisting of Perl, Java, active server pages (ASP) or hypertext preprocessing (PHP) (para. [0030]).
- 31. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the method disclosed by <u>Jennings</u> with the teachings of <u>Elkan</u>. One would have been motivated by the fact that any scripting language or programming language can perform the tasks needed (<u>Jennings</u>; Col. 2, lines 12-53 and <u>Elkan</u>; para. [0030]).
- 32. As per Claim 15, being directed to computer readable media with executable instructions for performing the method of Claims 10, this claim is rejected for the same reasoning as provided for Claim 10.

Response to Arguments

- 33. Applicant's arguments filed **31 August 2007** have been fully considered but they are not persuasive.
- 34. In response to the Non-Final Office Action mailed **09 April 2007**, Applicant argues:

Art Unit: 2194

(1) the server disclosed by <u>Jennings</u> is a hardware server and not a facade server stored in memory, as recited in **Claim 1**; and

- (2) Jennings fails to disclose and "web-server interface" as recited in Claim 7.
- 35. As to argument (1), examiner respectfully disagrees. <u>Jennings</u> clearly discloses that the server examiner has cited in the above rejection is a "stored-program-controlled" server, which is an unambiguous statement that the cited server contains a stored software component that controls its operation (col. 4, lines 47-52). Further, the server is disclosed by <u>Jennings</u> to allow for communication with the interposer of the client to communicate with the server using local inter-process communication arrangements when the documents for the application being served to the interposer are co-located on the same computer, thereby meeting all of the limitations in regard to the "facade server", as claimed by Applicant.
- 36. As to argument (2), examiner respectfully disagrees for the same reasoning as provided for argument (1) and, as disclosed, both explicitly and implicitly in numerous passages throughout the reference (e.g. col. 4, lines 48-53; col. 7, lines 35-54; col. 8, lines 27-65; figure 16 with accompanying passages; etc.), <u>Jennings</u> makes use of a Web server to deliver the documents that allow access to the underlying web-based application. Therefore, the limitations of the claim have been met.
- 37. Since all other claims were argued for the same reasoning as provided in arguments (1) and (2), the rejections of all other pending claims stand.

Art Unit: 2194

38. Examiner has cited particular columns and line numbers and/or figures in the references as applied to the claims for the convenience of the applicant. Applicant is respectfully reminded that rejections are based on references as a whole and not just the cited passages. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is Applicant's responsibility to read and understand the reference, as a whole, before preparing a reply to this Office Action. Therefore, it is respectfully requested from Applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the cited art or disclosed by the examiner.

Conclusion

- 39. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
- 40. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2194

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

- 41. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Pantoliano Jr whose telephone number is (571) 270-1049. The examiner can normally be reached on Monday-Thursday, 8am 4 pm EST.
- 42. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571)272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
- 43. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RP 10/29/2007 SUPERVISORY PATENT EXAMINER